

SEALED

United States District Court

NORTHERN

DISTRICT OF

UNITED STATES OF AMERICA

V.

COMPLAINT

MICHAEL JOSEPH CARR

CASE NUMBER: 3-15-MJ-

354-BN

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about March 24, 2015, in the Dallas Division of the Northern District of Texas, defendant(s) did,


use a facility or means of interstate commerce to knowingly persuade, induce, entice, or coerce a person under the age of 18 years to engage in prostitution, or any sexual activity for which any person can be charged with a criminal offense,

in violation of Title 18, United States Code, Section(s) 2422(b).

I further state that I am a(n) Special Agent with the United States Department of Homeland Security, Homeland Security Investigations (HSI) and that this complaint is based on the following facts:

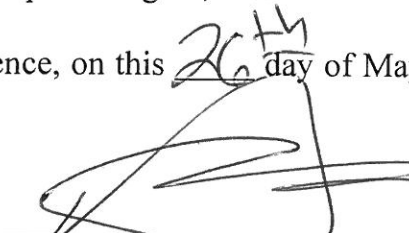
See attached Affidavit of Special Agent LeAndrew J. Mitchell, (HSI) which is incorporated and made a part hereof by reference).

Continued on the attached sheet and made a part hereof: XX Yes No


Signature of Complainant
LeAndrew J. Mitchell
Special Agent, HSI

Sworn to before me and subscribed in my presence, on this 26th day of May, 2015, at Dallas, Texas.

DAVID L. HORAN
UNITED STATES MAGISTRATE JUDGE
Name & Title of Judicial Officer


Signature of Judicial Officer

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS FILED MAY 26 2015 CLERK U.S. DISTRICT COURT By Deputy

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, LeAndrew J. Mitchell, being duly sworn under oath, do hereby depose and state:

1. I am a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations (HSI), and I have been employed in this capacity since December 2008. I am a graduate of the Criminal Investigator Training Program and the U.S. Immigration and Customs Enforcement Special Agent Training Academy. As a result of my employment with HSI, my duties include, but are not limited to, the investigation and enforcement of Titles 8, 18, 19, 21 and 31 of the United States Code (U.S.C.). I am an “investigative or law enforcement officer of the United States” within the meaning defined in 18 U.S.C. § 2510(7), in that I am an agent of the United States authorized by law to conduct investigations of, and make arrests for, federal offenses.

2. I am currently assigned to the HSI Dallas, Texas Child Exploitation Group, which investigates criminal violations relating to child exploitation, child pornography, and other crimes involving the Internet. Based on my training and experience, I am aware that it is a violation of 18 U.S.C. § 2422(b) to use a means of interstate commerce to induce, entice or coerce any individual who has not attained the age of 18 to engage in any sexual activity for which any person can be charged with a criminal offense.

3. This affidavit is made in support of a criminal complaint charging Michael Joseph CARR (hereinafter, “CARR”) with violating 18 U.S.C. § 2422(b). Because this affidavit is being submitted for the limited purpose of securing an arrest warrant, I have

not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe that on or about March 24, 2015, in the Northern District of Texas, CARR enticed a female minor who had not yet attained the age of 18 to engage in sexually explicit activity.

FACTS IN SUPPORT OF PROBABLE CAUSE

4. On March 24, 2015, at approximately 1:09 AM, Grand Prairie, Texas Police Department (GPPD) officers were dispatched to a call regarding a missing child. Preliminary investigation indicated that a 15 year old female was missing from her guardians' residence, and GPPD officers subsequently began to search for the juvenile in the immediate area surrounding her residence. While driving through the neighborhood, officers observed a suspicious vehicle parked at the Indian Hills Baptist Church, located at 814 Tamara Lane, Dallas County, Texas.

5. The GPPD officers approached the vehicle, and noticed the rear passenger area was occupied by two (2) individuals, who were both naked. Officers also observed a used condom outside of the vehicle. The male vehicle occupant, later identified as CARR, opened the door and immediately began to apologize and make spontaneous statements that he thought the minor was 21 years old.

6. GPPD officers identified the other vehicle occupant as the missing 15 year old juvenile, hereinafter referred to as "MV1", and placed her inside of a patrol car. While seated in the patrol car, MV1 stated she and CARR met on an online social media

website, and that they were having sexual intercourse when the officers approached the vehicle. Based on the victim's statement and the circumstances surrounding the investigation, CARR was placed under arrest for Sexual Assault of a Child.

7. On this same date, GPPD detectives obtained and executed a State of Texas search warrant on CARR's vehicle and documented and/or seized several items, including, but not limited to, another used condom, 2 condom wrappers, a bottle of lubricant, a Metro PCS ZTE mobile device and a Samsung Galaxy T-599 mobile device. Officers also found CARR's Texas driver's license, which shows his date of birth as January 30, 1991, making him 24 years old at the time of this offense.

8. On March 25, 2015, GPPD detectives obtained written consent from MV1's guardian to search the contents of MV1's mobile device. The search of the device revealed the minor was communicating via the Kik¹ instant messaging application with user "mikepyro713", chat initials "M C", who Affiant believes to be CARR based on message content and the totality of the circumstances. The following is an excerpt² of Kik instant messages exchanged between MV1 and CARR on March 23, 2015:

CARR: "What if I slide my tongue down your chest feel you shudder as I circle your breast before taking your nipple into my moutg and feeling you harden, hearing you moan"

MV1: [smiley face character]

¹ Kik Messenger is a smartphone application that provides cross-platform smartphone instant messaging, which allows users to have text-based conversations with one another. Kik users can share photos, videos and other content via the application.

² The text content in this excerpt, and any text referenced hereafter as an excerpt of communication, is taken verbatim from the source and may contain typographical or grammatical errors, short-text, or descriptions of a character that cannot be typed in normal font.

CARR: "At the same time I slip a finger inside you"

MV1: "Yes"

CARR: "Youd let me take your virginity? Why?"

MV1: "I always wanted to have sex"

CARR: "Why me...Sure you got tons of offers lol" [smiley face character]

MV1: "Yes"

CARR: "Tonight?"

MV1: "Yes"

CARR: "How far would you want to go?"

MV1: "Up to you" [smiley face character]

CARR: "Do you still want to go all the way? [smiley face character]. "Ill see you in a couple hours" [smiley character]

9. A Court authorized search of the Samsung Galaxy T-559 mobile device seized from CARR's vehicle revealed he was also communicating with MV1 via text messaging from the evening of March 23, 2015 until the early hours of March 24, 2015. The following is an excerpt of text messages exchanged between CARR and MV1 during that timeframe:

CARR: "You really want to lose your viginity tonight? :-*"

MV1: "My scared and excited!!"

MV1: "Meet my By my house. Well.... Kinda. Meet met by the corner."

CARR: "Im heading out in 30 min. Ill call ya when im driving out"

MV1: "How old are you again?"

CARR: "18"

CARR: "U?"

MV1: "I'm 15... If that's okay? My aunt is drunk as fuck so I can just say I'll walk for a while then come straight home."

CARR: "Im ok with your age if youre ok with mine :)"

MV1: "What kind of sex are we having?"

CARR: "Um normal?"

CARR: "Not anal. And you don't have to blow me but ill eat u out to make u feel good"

MV1: "Where are we doing it?"

CARR: "My car or somewhere in the park :)"


10. Affiant is aware that it is a violation of Section 22.011 of the Texas Penal Code for any person to intentionally cause the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor. It is also a violation of this same Section for a person to cause the penetration of the sexual organ of a child by any means. A "child", as defined in Texas Penal Code Section 22.011(c)(1), is any person younger than 17 years of age.

11. Based on training, experience and communication with other law enforcement officers, Affiant is aware that mobile applications like Kik use a smartphone's data plan or Wi-Fi to send and receive instant messages, photos or videos. This means the applications utilize the Internet to transmit content between users. Affiant is also aware that Samsung mobile devices, like the Galaxy T-599 utilized by CARR, are manufactured and assembled in the Republic of China.

CONCLUSION

12. Based on the facts and circumstances set forth in this affidavit, Affiant submits there is probable cause to believe that Michael Joseph CARR used a facility or means of interstate commerce to entice an individual he knew or believed to be 15 years of age, to engage in sexual activity for which he could be charged with a criminal offense, in violation of 18 U.S.C. § 2422(b).

13. Therefore, Affiant respectfully requests that this Court issue a warrant authorizing HSI to arrest Michael Joseph CARR for this offense, with the appropriate assistance of other law enforcement agencies or personnel.



LeAndrew J. Mitchell
Special Agent
Homeland Security Investigations

Subscribed and sworn to before me on this 26th day of May, 2015.



DAVID L. HORAN
UNITED STATES MAGISTRATE JUDGE